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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,830

03/12/2004

Richard Hartmann JR.

ITC C-28

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09/30/2005

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EXAMINER

BENNETT, ZAHRA I

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AKC

Office Action Summary

Application No.

10/799,830

Applicant(s)

HARTMANN ET AL.

Examiner

Zahra Bennett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16, 17, 20-22, 24, 25, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 15, 18, 19, 23, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 May 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 8-10, 12-14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Su (US Patent Publication 2005/0162860).

With respect to claim 1, Su teaches a lamp comprising:

A housing (5);

A light emitter member ([0025] lines 1-3) inside said housing;

A first light transmitter comprising a lens (51) fixed with respect to said housing;

A second light transmitter (6) fixed with respect to said housing; and

An attachment unit (623) fixing said lens to said light transmitting member.

With respect to claim 3, Su teaches wherein said housing has a side wall and a substantially open end (Figure 3), said second light transmitter comprising of a substantially continuous ring (6) fixed to said housing adjacent said open end, said lens

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opposing said open end of said housing (Figure 4), said attachment unit comprising a substantially continuous retaining ring (52) fixing said lens to said light transmitting ring.

With respect to claim 4, Su teaches one of said rings is circumferentially continuous (6).

With respect to claim 9, Su teaches said retaining ring includes portions (623) axially clamping said lens (Figure 1).

With respect to claim 10, Su teaches said retaining portion includes portions (623) axially clamping said light transmitting ring (Figure 1).

With respect to claim 12, Su teaches that at least one of said rings is removably fixed (6).

With respect to claim 13, Su teaches that said second light transmitter (6) is fixed to said housing (5) and carries said attachment unit (623).

With respect to claim 14, Su teaches a lamp comprising:

A housing (5) having a forward end with a first light emitting opening and a peripheral wall;

A light emitter-mounting member ([0025] lines 1-3) inside said housing;

A forward light transmitting comprising a lens (51) opposing said light emitter mounting member and said first light emitting opening; and

A lateral second light transmitter (6) opposing said light emitter mounting member and adjacent said peripheral wall.

With respect to claim 16, Su teaches a retaining member (52) surrounding and fixed to said lens, said lateral light transmitter comprising a light transmitting ring (2) being fixed with respect to said housing (Figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su as applied to claims 1 and 3 above, and further in view of Honda et al (US Patent 6,713,961).

With respect to claim 2, Su does not teach the lamp comprising a base having a mounting surface attaching portion, and a support shaft. In a similar device, Honda et al. teaches lamp with a base (Figure 8: 11a) having a mounting surface attaching portion, and a support shaft (11b) carried by said base and supporting said housing. It

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would have been obvious to one of ordinary skill at the time of the invention to have a base and support shaft for receiving power when coupled to a lamp socket as taught by Honda, so as to allow the device of Su to be used in a similar manner to the ordinary incandescent lamp.

With respect to claim 5, Su teaches a light-transmitting ring. Su does not teach a halogen light bulb fixed within the housing and the light-transmitting ring being of heat resistant light transmitting material. In a similar device, Honda et al. teaches a halogen light bulb in the housing (Figure 8: 12, see Column7, lines 53-54) and which is composed of heat resistant light transmitting material (OB). It would have been obvious to one of ordinary skill at the time of the invention to compose the light-transmitting ring of Su of heat resistant transmitting material to make certain the light-transmitting ring does not melt due to the heat from the halogen bulb within the lamp as taught by Honda.

Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su as applied to claims 1, 3 and 10 above, and further in view of Rhoad (US Patent 6,312,145). Su does not teach that said housing side wall has a plurality of openings, said light transmitting ring including a plurality of resilient light transmitting elements respectively radially opposing and substantially covering said plurality of openings. Su also does not teach said retaining ring including further portions axially clamping said lens.

With respect to claim 6, Rhoad teaches a retaining ring (28) that has a plurality of openings (34). It would have been obvious to one of ordinary skill at the time of the invention to insert a plurality of light transmitting openings to allow an abundance of light to shine through the lamp. One would have been motivated to modify the device of Su for the benefit of aesthetics and visual improvement.

With respect to claim 11, Rhoad teaches a retaining ring that includes further portions (14) axially clamping said lens. It would have been obvious to one of ordinary skill at the time of the invention to include a retaining ring with further portions of axially clamping said lens to ensure that the device is secure so it does not come apart during usage.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Su and Rhoad as applied to claim 6 above, and further in view of Chen (US Patent 6,619,829). Su does not teach that said light transmitting ring and said plurality of resilient light transmitting elements are one of transparent and translucent. Chen teaches a light transmitting ring (20) and a plurality of resilient light transmitting elements (24) that are one of translucent and transparent. It would have obvious to one of ordinary skill at the time of the invention to make the light transmitting ring and the plurality of resilient light transmitting elements of Su translucent or transparent to enhance the lighting effect affect of the primary light element. One would have been motivated to modify the device of Su for the benefit of providing effects of decoration and enhancement.

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Su (US Patent Publication 2005/0162860). Su teaches a retaining ring (Figure 3: 8) disposed radially between said lens and light transmitting ring (Figure 3). It would have been obvious to one of ordinary skill at the time of the invention to make the retaining ring opaque to give the light ring contrast between the first light transmitter and the second light transmitter.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Su (US Patent Publication 2005/0162860). Su teaches a lens (Figure 3: 51), retaining member (8), light transmitting ring (6) and housing (5). Su does not teach that these are defined by concentric light emitting opaque zones. It would have been obvious to one of ordinary skill at the time of the invention to make the retaining ring opaque to give a distinct light ring effect between the first light transmitter and the second light transmitter. One would have been motivated to modify the device of Su for the benefit of decoration and enhancement.

Claims 20, 25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su (US Patent Publication 2005/0162860). Su teaches a lamp comprising of a light emitter mounting member ([0025 lines 1-3]; a housing (Figure 3: 5) 1 containing said light emitter mounting member and 2 having a primary light emitting opening opposing (Figure 3: 51) said light emitter mounting member; a light transmitting element (Figure 3: 6) fixed with respect to said housing. Su also teaches that said lens unit and

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includes a lens (51) and a retaining ring (52) fixing (623) said lens to said light transmitting ring (6) and through the latter to said housing. In addition, Su teaches that said housing peripheral wall has a rim (52), said ring-like base radially overlapping said rim (Figure 2).

With respect to claim 20, Su does not teach a wall with a secondary light-emitting opening. It would have been obvious to one of ordinary skill at the time of the invention to place a secondary light-emitting opening to allow an abundance of light to shine through the lamp. One would have been motivated to modify the device of Su for the benefit of aesthetics and visual improvement.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su as applied to claim 20 above, and further in view of Rhoad (US Patent 6,312,145). Su teaches a primary light emitting openings at the front of said housing, said light transmitting element comprising a substantially continuous ring having a substantially base, a lens unit covering said primary light emitting opening and fixed with respect to said housing and ring, where in light form said lamp is transmitted 2 through said ring and 3 through said lens unit. Su also teaches that said lens unit includes a lens, and including light paths from said housing through 2 said ring-like base and 3 said lens.

Su does not teach said wall being a peripheral wall with a plurality of light emitting openings and circumferentially spaced resilient fingers extending therefrom and mounted on the front of said housing, at least said fingers being light transmitting, said

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fingers covering said secondary openings, and light from said lamp is transmitted through said fingers at said secondary light emitting openings.

With respect to claim 21, Rhoad teaches a plurality of secondary light emitting openings (Figure 1: 34) and circumferentially spaced resilient fingers (14). It would have been obvious to one of ordinary skill at the time of the invention to include have a plurality of secondary light emitting openings on the peripheral wall to allow light to shine from a different angle. One would be motivated to modify the device of Su for the benefit of decoration and enhancement.

With respect to claim 22, Rhoad teaches fingers (Figure 1:14). It would have been obvious to one of ordinary skill at the time of the invention to include fingers on the device of Su to ensure that the retaining ring is fully secure so it does not collapse during usage.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Su and Rhoad as applied to claim 20 and 21 above, and further in view of Chen (US Patent 6,619,829). Su does not teach that said light transmitting ring and resilient fingers are one of transparent and translucent. Chen teaches a light transmitting ring (20) and resilient fingers (24) that are one of translucent and transparent. It would have obvious to one of ordinary skill at the time of the invention to make the light transmitting ring and the resilient fingers of Su translucent or transparent to enhance the lighting effect affect of the primary light element. One would have been motivated to modify the device of Su for the benefit of providing effects of decoration and enhancement.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Su as applied to claim 20 above, and further in view of Honda et al (US Patent 6,713,961). Su does not teach the lamp comprising of a base having a mounting surface attaching portion, and a support shaft. In a similar device, Honda et al. teaches lamp with a base (Figure 8: 11a) having a mounting surface attaching portion, and a support shaft (11b) carried by said base and supporting said housing. It would have been obvious to one of ordinary skill at the time of the invention to have a base and support shaft for receiving power when coupled to a lamp socket, so as to allow to be used in a similar manner to the ordinary incandescent lamp. Furthermore it would have been obvious to one of ordinary skill at the time of the invention to have the support shaft pivotably supported by said housing for the benefit of allowing the user to have options on which direction the lighting device will point.

Allowable Subject Matter


Claims 15, 18, 19, 23, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zahra Bennett whose telephone number is 571-272-2267. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RENEE LUEBKE
PRIMARY EXAMINER